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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,546	01/25/2002	Alfred Ebbinghaus	02-139	3046
7590	08/20/2003			S
Gregory P. LaPointe Bachman & LaPointe, P.C. 900 Chapel Street, Suite 1201 New Haven, CT 06510-2802			EXAMINER	KUHNS, ALLAN R
		ART UNIT	PAPER NUMBER	
		1732		

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No. <u>10/057,546</u>	Applicant(s) <u>EBBINGHAUS</u>
	Examiner <u>KUHN S</u>	Group Art Unit <u>1732</u>

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on JUNE 24, 2003

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 15 - 28 is/are pending in the application.

Of the above claim(s) 15 - 16 AND 28 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 17 - 27 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement

Application Papers

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All Some* None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. _____.

Copies of the certified copies of the priority documents have been received
in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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1. Applicant's election without traverse of Group II in Paper No. 4 is acknowledged.
2. Claims 15-16 and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 4.
3. Claims 18-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are indefinite because of the use of "if appropriate" in the preamble of claim 18. Substitution of "optionally" is suggested. Also "the inner cavity" of claim 18 lacks antecedent basis within the claims. In addition, claim 19 is confusing because of "firer" in line 2. Clarification is required.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeliger et al. Seeliger et al. disclose or suggest the basic claimed process for producing a reinforced foam part including preparing or presenting an at least partially hollow outer formed part, introducing foam material and blowing agent into the hollow formed part (column 2, lines 47-49), and activating the blowing agent so that there is formed in the outer formed part an open cell or closed cell metal foam which at least partially bears against the outer foamed part and at least

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partially fills the inner cavity of the hollow outer formed part. Seeliger et al. discuss providing "mechanical strength" at column 4, line 8 and from this discussion it would have been obvious to one of ordinary skill in the art to use the foam to improve loading properties and resistance to deformation.

It is submitted that the metal powder and blowing agent of Seeliger et al. form a prefoam or prepreg material, as in claim 17. Seeliger et al. teach or suggest parallel layers, as in claim 19-20, and cold or hot workable material, as in claim 21. Seeliger et al. also teaches or suggests the use of metals, as in claims 22-23 and 25 and the joint forming of claim 27. Use of fiber-reinforced material or polymeric material, as an outer layer, as in claims 24 and 26, is well known and such would have been obvious to one of ordinary skill in the art in order to form a strong, light weight composite.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (703) 308-3462. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on (703) 305-5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Allan R. Kuhns

ALLAN R. KUHNS
PRIMARY EXAMINER AU 1732

8-8-03